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EXAMINER	
BORLINGHAUS, JASON M	

ART UNIT	PAPER NUMBER
3628	

DATE MAILED: 06/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/037,827	SEIFERT ET AL.	
	Examiner	Art Unit	
	Jason M. Borlinghaus	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 January 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28 and 30-38* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-28,30-38* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington,* 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1, 2 – 4, 10, 11 – 13, 20, 23 – 27, 29, 33 – 34, 36 and 38 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 4, 10, 12 – 13, 15, 17, 22, 23, 30, 40 and 54 of copending Application No. 09/975,171 (US PG Pub. 2003/0069856), herein referred to as PG Pub. '856.

Regarding Claims 1, 10 and 20, although the conflicting claims are not identical, they are not patentably distinct from each other because PG Pub. '856 claims:

- storing transaction data on a host computer system, wherein the transaction data includes a desired amount of money to be electronically transferred from a sender to a recipient. (see Claim 17 of PG Pub. '856);

- receiving transaction identifying information provided by the recipient/receiving at the host computer system transaction identifying information from a receive-transaction initiating terminal in communication with the host computer system, wherein the transaction identifying information is provided by the recipient. (see Claim 17 of PG Pub. '856);
- comparing the transaction identifying information with transaction data on the host computer system. (see Claim 17 of PG Pub. '856);
- providing a confirmation code (account code) and/or identification code, to be issued to the recipient, if the transaction identifying information matches the transaction data stored on the host computer system (see Claim 22 and Claim 23 of PG Pub. '856);
- storing the confirmation code (account code) and/or identification code on the host computer system. (see Claim 22 and Claim 23 of PG Pub. '856);
- receiving at the host computer system input corresponding to the confirmation code and/or identification code from a dispensing terminal in communication with the host computer system. (see Claim 40 of PG Pub. '856);
- comparing the input to the confirmation code and/or identification code stored on the host computer system (see Claim 40 of PG Pub. '856); and

- allowing funds, corresponding to at least a portion of the desired amount of money, to be dispensed by the dispensing terminal if the input matches the confirmation code and/or identification code stored on the host computer system. (see Claim 40 of PG Pub. '856).

Regarding Claims 2 – 4 and 11 – 13, although the conflicting claims are not identical, they are not patentably distinct from each other because PG Pub. '856 claims a confirmation code (stored account code) and/or identification code (stored identification code). (See Claim 40 of PG Pub. '856). While PG Pub. '856 does not explicitly state that the confirmation code and/or the identification code includes a number, letter or symbol, it is well-known in the art that security codes, such as a PIN, an identification number and a computer password, can be composed of numbers, letters or symbols.

Regarding Claim 23, although the conflicting claims are not identical, they are not patentably distinct from each other because PG Pub. '856 claims loading payout funds corresponding to at least a portion of the desired amount of money in a payout account maintained on the host computer system, and allowing the payout account to go negative by an amount to cover a transaction fee associated with use of the dispensing terminal. (see Claim 54 of PG Pub. '856)

Regarding Claim 24, although the conflicting claims are not identical, they are not patentably distinct from each other because PG Pub. '856 claims loading payout funds corresponding to at least a portion of the desired amount of

money in a payout account maintained on the host computer system, receiving at the host computer system a debit request from the dispensing terminal, automatically determining by the host computer system a transaction fee associated with use of the dispensing terminal in response to receiving the debit request, and then loading an additional amount in the payout account to cover the transaction fee. (see Claims 12 – 13 of PG Pub. '856).

Regarding Claim 25, although the conflicting claims are not identical, they are not patentably distinct from each other because PG Pub. '856 claims the step of automatically determining the transaction fee includes assuming an even, whole dollar first portion of the debit request corresponds to a desired withdrawal amount for the recipient, and attributing a second portion of the debit request to the transaction fee. (see Claim 13 of PG Pub. '856).

Regarding Claim 26, although the conflicting claims are not identical, they are not patentably distinct from each other because PG Pub. '856 claims loading payout funds corresponding to at least a portion of the desired amount of money in a payout account maintained on the host computer system, and allowing the dispensing terminal to debit the payout account to cover a transaction fee associated with use of the dispensing terminal. (see Claim 10 of PG Pub. '856).

Regarding Claim 27, although the conflicting claims are not identical, they are not patentably distinct from each other because PG Pub. '856 claims the allowing step includes allowing funds, corresponding to a first portion of the desired amount of money, to be dispensed by the dispensing terminal if the input

matches the confirmation code stored on the host computer system, and wherein the method further comprises receiving at the host computer system additional input corresponding to the confirmation code from an additional dispensing terminal in communication with the host computer system, comparing the additional input to the confirmation code stored on the host computer system, and allowing additional funds, corresponding to a second portion of the desired amount of money, to be dispensed by the additional dispensing terminal if the additional input matches the confirmation code stored on the host computer system. (see Claim 4 and 15 of PG Pub. '856).

Regarding Claims 29, 36 and 38, although the conflicting claims are not identical, they are not patentably distinct from each other because PG Pub. '856 claims the step of receiving transaction identifying information includes receiving the transaction identifying information at the host computer system from an electronic terminal (a first terminal) that is different than the dispensing terminal (a second terminal). (see Claim 30 of PG Pub. '856).

Regarding Claims 33 and 34, although the conflicting claims are not identical, they are not patentably distinct from each other because PG Pub. '856 claims the allowing/authorizing step comprises allowing/authorizing the funds to be dispensed by the dispensing terminal to the recipient. (see Claim 40 of PG Pub. '856).

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 21 – 22, 30 – 32 and 35 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 4, 10, 12 – 13, 15, 17, 22, 23, 30, 40 and 54 of copending Application No. 09/975,171, herein referred to as PG Pub. '856, in view of Walker (US Patent 5,650,604).

Regarding Claim 21 – 22 and 31, PG Pub. '856 claims:

- a method further comprising receiving at the host computer an identification code provided by the recipient. (see Claim 17 of PG Pub. '856).

PG Pub. '856 does not claim:

- a method wherein the transaction identifying information includes a first code provided by the sender to the recipient;
- a method further comprising generating the confirmation code by the host computer system based on the identification code, wherein the identification code is different than the first code; or
- a method wherein the confirmation code is not provided by or to the sender during the money transfer receive transaction.

Walker discloses:

- a method wherein the transaction identifying information includes a first code provided by the sender to the recipient. ("Transferor provides transferee with transferor identification number and other transaction information." – see 1220, figure 12A);

- a method further comprising receiving at the host computer system an identification code (transferor identification number) provided by the recipient, and generating the confirmation code (confirmation) by the host computer system based on the identification code, wherein the identification code is different than the first code. ("Transferor provides transferee with transferor identification number and other transaction information." – see 1220, figure 12A). ("Central controller sends a confirmation to the transferee." – see 1275, figure 12B). It would be assumed that the confirmation code would be a different code than the identification code as there would be no value in repeating back to the recipient the same inputted code; and
- a method wherein the confirmation code (confirmation) is not provided by or to the sender during the money transfer receive transaction. ("Central controller sends a confirmation to the transferee." – see 1275, figure 12B).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified PG Pub. '856 by having the sender provide the recipient with the identification code that causes the host computer system to generate a confirmation code, as was done by Walker, as an additional security layer on the fund transfer process.

Regarding Claim 30 and 32, PG Pub. '856 claims a dispensing terminal. (see Claim 40 of PG Pub. '856).

PG Pub. '856 does not claim that:

- the dispensing terminal is an unattended teller machine.

Walker discloses that:

- the dispensing terminal is an unattended automatic teller machine. ("This credit can be used to offset other incurred charges on transferee's account or can be withdrawn from the account as cash at an Automated Teller Machine (ATM)." – see paragraph 0057).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified PG Pub. '856 by allowing the recipient to receive the dispensed funds at an Automated Teller Machine, as was done by Walker, to provide the recipient a method to easily obtain the transferred funds.

This is a provisional obviousness-type double patenting rejection.

Claims 5, 14 and 28 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 4, 10, 12 – 13, 15, 17, 22, 23, 30, 40 and 54 of copending Application No. 09/975,171, herein referred to as PG Pub. '856, in view of Shore (US PG Pub. 2003/0149662).

Regarding Claim 5 and 14, PG Pub. '856 does not claim a method of wherein:

- the confirmation code and/or identification code includes an image.

Shore discloses a method of wherein:

- the confirmation code and/or identification code includes an image. ("The image verification would be an additional security measure that would work in conjunction with all the others." – see paragraph 0123).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified PG Pub. '856, by incorporating a variety of formats for the confirmation code and/or identification code, as was done by Shore, to ensure that the confirmation code and/or identification code could be communicated in a versatile manner and for allowing further security measures for the funds transfer process.

Regarding Claim 28, although the conflicting claims are not identical, they are not patentably distinct from each other because PG Pub. '856 claims:

- storing the identification code on the host computer system. (see Claim 22 and Claim 23 of PG Pub. '856);
- receiving at the host computer system input corresponding to the confirmation code and/or identification code from a dispensing terminal in communication with the host computer system. (see Claim 40 of PG Pub. '856);
- comparing the additional input to the identification code stored on the host computer system (see Claim 40 of PG Pub. '856); and
- allowing funds, corresponding to at least a portion of the desired amount of money, to be dispensed by the dispensing terminal if the

input matches the identification code stored on the host computer system. (see Claim 40 of PG Pub. '856).

PG Pub. '856 does not claim:

- receiving at the host computer an identification code from an electronic terminal that is different from the dispensing terminal, the identification code being an anatomical image of the recipient.

Shore discloses:

- receiving at the host computer an identification code from an electronic terminal that is different from the dispensing terminal, the identification code being an anatomical image (fingerprint and/or other biometric data) of the recipient. ("The image verification would be an additional security measure that would work in conjunction with all the others." – see paragraph 0123). ("In the exemplary embodiment, a user ID or and PIN and/or fingerprint (the phrase "fingerprint" is meant herein to include the "print" or other image of any finger, including a thumb) and/or other biometric data, would be required to access or transmit any data from the PDA device using the PDA software." – see paragraph 0018).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified PG Pub. '856, by incorporating a variety of formats for the identification code, as was done by Shore, to ensure that identification code could be communicated in a versatile manner and allowing for further security measures for the funds transfer process. While neither Seifert nor

Shore explicitly state that anatomical image is entered via a first terminal, it is well-known in the art that anatomical image would need to be entered into the system prior to the recipient's use of the dispensing terminal.

This is a provisional obviousness-type double patenting rejection.

Claims 6 – 9 and 37 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 4, 10, 12 – 13, 15, 17, 22, 23, 30, 40 and 54 of copending Application No. 09/975,171, herein referred to as PG Pub. '856, in view of Amann (US PG Pub 2002/0062285).

Regarding Claim 6 – 9, PG Pub. '856 does not claim:

- a method wherein the step of providing a confirmation code includes providing, by the host computer system, the confirmation code to a receive-transaction initiating device in communication with the host computer system;
- a method wherein the receive-transaction device is a personal computer;
- a method wherein the receive-transaction initiating device is a telephone; or
- a method wherein the step of providing a confirmation code includes providing, by a telephone operator, the confirmation code to the recipient.

Amann discloses:

- a method wherein the step of providing a confirmation code (PIN) includes providing, by the host computer system, the confirmation code to a receive-transaction initiating device in communication with the host computer system (P2P server). ("The P2P server is capable of transmitting the response to a payee computing device, which optionally includes the PIN code required to access the payment." – see paragraph 0014);
- a method wherein the receive-transaction device is a personal computer (payee computing device). ("The P2P server is capable of transmitting the response to a payee computing device, which optionally includes the PIN code required to access the payment." – see paragraph 0014);
- a method wherein the receive-transaction initiating device is a telephone. ("Alternatively, the PIN code is transmitted to the payor computing device and communicated to the payee via any transmission method known to those skilled in the art, for example, via telephone or email." – see paragraph 0014); and
- a method of wherein the step of providing a confirmation code includes providing, by a telephone operator, the confirmation code to the recipient. (" Alternatively, the PIN code is transmitted to the payor computing device and communicated to the payee via any transmission method known to those skilled in the art, for example, via telephone or email." – see paragraph 0014).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified PG Pub. '856, by incorporating the ability to communicate the confirmation code and/or identification code to the recipient through a personal computer or through the telephone, as was done by Amann, to enhance ease of communication of the confirmation code and/or identification code to recipient.

Regarding Claim 37, PG Pub. '856 does not claim a method wherein:

- the identification number and the confirmation code are not provided by or to the sender during the money transfer receive transaction.

Amann discloses a method wherein:

- the identification number (PIN) and the confirmation code (notification) are not provided by or to the sender during the money transfer receive transaction. ("The P2P system delivers the notification and PIN code to the payee device, instructing the payee as to the location of the ATM instructed to dispense the currency for payment.' – see paragraph 0041).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified PG Pub. '856, by incorporating the ability to communicate the confirmation code and/or identification code to the recipient and not to the sender, as was done by Amann, to enhance security on the money transfer process.

This is a provisional obviousness-type double patenting rejection.

Claims 15 - 18 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 4, 10, 12 – 13, 15, 17, 22, 23, 30, 40 and 54 of copending Application No. 09/975,171, herein referred to as PG Pub. '856, in view of Risafi (US Patent 6,473,500).

Regarding Claim 15, PG Pub. '856 claims:

- storing the identification code on the host computer system; (see Claim 22 and Claim 23 of PG Pub. '856);
- receiving at the host computer system input corresponding to the confirmation code and/or identification code from a dispensing terminal in communication with the host computer system. (see Claim 40 of PG Pub. '856);
- comparing the input to the confirmation code and/or identification code stored on the host computer system (see Claim 40 of PG Pub. '856); and
- allowing funds, corresponding to at least a portion of the desired amount of money, to be dispensed by the dispensing terminal if the input matches the confirmation code and/or identification code stored on the host computer system. (see Claim 40 of PG Pub. '856).

PG Pub. '856 does not claim:

- receiving an identification code established by the recipient.

Risafi discloses a method further comprising:

- receiving an identification code (PIN) established by the recipient. ("The user selects a PIN of his or her choice upon inserting the purchased card into an terminal or by accessing another designated device, such as a interactive voice response unit ("IVRU")." – see col. 3, line 65 – col. 4, line 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified PG Pub. '856, by incorporating the ability for the recipient to select his own identification code, as was done by Risafi, to allow the identification code to be set to a code more easily remembered by the recipient.

Regarding Claims 16 – 18, although the conflicting claims are not identical, they are not patentably distinct from each other because PG Pub. '856 claims a confirmation code (stored account code) and/or identification code (stored identification code). (see Claim 40 of PG Pub. '856). While PG Pub. '856 does not explicitly state that the confirmation code and/or the identification code includes a number, letter or symbol, it is well-known in the art that security codes, such as a PIN, an identification number and a computer password, can be composed of numbers, letters or symbols.

This is a provisional obviousness-type double patenting rejection.

Claim 19 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 4, 10, 12

– 13, 15, 17, 22, 23, 30, 40 and 54 of copending Application No. 09/975,171, herein referred to as PG Pub. '856, in view of Risafi and Shore.

Regarding Claim 19, PG Pub. '856 does not claim a method of wherein:

- the confirmation code and/or identification code includes an image.

Shore discloses a method of wherein:

- the confirmation code and/or identification code includes an image. ("The image verification would be an additional security measure that would work in conjunction with all the others." – see paragraph 0123).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified PG Pub. '856 and Risafi, by incorporating a variety of formats for the confirmation code and/or identification code, as was done by Shore, to ensure that the confirmation code and/or identification code could be communicated in a versatile manner and allowing further security for the funds transfer process.

This is a provisional obviousness-type double patenting rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

To ensure clarity and clear understanding of examiner's rationale for application of cited prior art, terminology contained within parentheses indicates quoted language contained within said cited prior art reference while unquoted language contained within parentheses indicates the general concept as conveyed by said cited prior art reference. Such parenthetical terminology is to be interpreted as "reading on" or being "mapped to" the claim language prior to such parenthetical inclusions.

Claims 1 – 28 and 30 – 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marcous (US Patent 5,650,604) in view of Garfinkel (Garfinkel, Simson & Spafford, Gene. *Web Security Privacy & Commerce. O'Reilly*. 2nd Edition. November 1, 2001. pp. 125 – 129, 554 – 555 and 621 – 622) and Disclosed Prior Art (applicant's specification, pp. 1 - 3).

Regarding Claim 1, Marcous discloses a method for performing a money transfer receive transaction involving a desired amount of money to be transferred from a sender to a recipient, the method comprising:

- storing transaction identifying information ("the amount and the security") on a host computer system ("central terminal"). (see abstract);
- receiving at the host computer system ("central terminal") input corresponding to the transaction identifying information ("an entry corresponding to the designated amount of money to be transferred and the security code") from a dispensing terminal ("dispensing terminal") in communication with the host computer. (see abstract);
- comparing the input to the transaction identifying information to the information stored on the host computer system ("comparison with the information stored in the central terminal's file"). (see abstract); and
- allowing funds ("dispensing...funds"), corresponding to at least a portion of the desired amount of money ("the designated amount of money"), to be dispensed by the dispensing terminal if the input matches the transaction identifying information stored on the host computer system. (see abstract).

Marcous does not teach underlined limitations - a method for performing a money transfer receive transaction involving a desired amount of money to be transferred from a sender to a recipient, the method comprising:

- receiving transaction identifying information provided by the recipient;
- comparing the transaction identifying information with transaction data stored on a host computer system;
- providing a confirmation code, to be issued to the recipient, if the transaction identifying information matches the transaction data stored on the host computer system;
- storing the confirmation code on the host computer system;
- receiving at the host computer system input corresponding to the confirmation code from a dispensing terminal in communication with the host computer system;
- comparing the input to the confirmation code stored on the host computer system; and
- allowing funds, corresponding to at least a portion of the desired amount of money, to be dispensed by the dispensing terminal if the input matches the confirmation code stored on the host computer system.

Changing passwords, codes and /or identifiers through which to access systems, such as electronic funds, and the use of multiple passwords, codes and/or identifiers to access systems, such as electronic funds, is old and well known in the art of security technology and cryptography, as evidenced by Garfinkel (pp. 125 – 129). Furthermore, generating new passwords, codes and/or identifiers to replace or work with old passwords, codes and/or identifiers through

which to access such systems is old and well known in the art of security technology and cryptography as evidenced by Garfinkel (pp. 125 – 129). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Marcous by incorporating the ability to exchange and/or change passwords, codes and/or identifiers through which to access the system, as disclosed by Garfinkel, providing additional security and encryption for the electronic funds.

For example, exchanging the transaction identifying information (identifier one) for a confirmation code (identifier two) would enhance security as only the recipient would have the identifier through which the funds could be accessed. The original identifier, the transaction identifying information, was in possession of the sender, allowing such individual to renege on the transfer, and may be in the possession of additional unauthorized individuals that may have intercepted the communicated information.

Comparing and matching a password, code and/or identifier user-provided information and system-stored information is old and well known as a basic and fundamental concept of security and encryption, as evidenced by Garfinkel which states, "If the password that you type matches the password that is stored on the computer, then the assumption is that you must be who you claim to be." (see p. 125). Furthermore, this comparing and matching is also old and well known concerning the dispensing of funds, as disclosed by Disclosed Prior Art (see p. 2 lines 21 – 26). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Marcous and Garfinkel by

incorporating a comparison and match between identifiers supplied by the user and those stored within the system, as disclosed by Garfinkel and Disclosed Prior Art, prior to an issuance of a new identifier through which to access the system, ensuring that the user was authorized to have access to said account.

Regarding Claims 2 – 5, Marcous discloses a method wherein the confirmation code (identifier) includes:

- a number ("phone number" or "PIN"). (see col. 8, lines 58 – 68).

Marcous does not teach underlined limitations - method wherein the confirmation code and/or the identification code includes:

- a letter;
- a symbol; and
- an image.

Garfinkel discloses a method wherein the confirmation code (identifier) includes:

- an image ("Image of a person's face, retina, or iris). (see p. 128)

Utilizing letters and/or symbols in a code, password and/or identifier is old and well known in the art of security and cryptography. Furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Marcous, Garfinkel and Disclosed Prior to allow for any combination of elements by which to compose the code that the inventor desired. *In re Kuhle, 526 F.2d 553, 555, 188 USPQ 7, 9 (CCPA 1975).*

Regarding Claims 6 – 9, Marcous does not teach the underlined limitations – a method wherein:

- the step of providing a confirmation code includes providing, by the host computer system, the confirmation code to a receive-transaction initiation device in communication with the host computer system;
- the receive-transaction device is a personal computer;
- the receive-transaction initiating device is a telephone; and
- the step of providing a confirmation code includes providing, by a telephone operator, the confirmation code to the recipient.

Garfinkel discloses a method wherein:

- the step of providing a confirmation code (identifier, such as a "password sent" by "email") includes providing, by the host computer system ("server"), a confirmation code to a transaction device ("computer") in communication (via "network") with the host computer system ("server"). (see pp. 125 – 126, including fig. 6-2); and
- the transaction device is a personal computer ("computer"). (see p. 125, including fig. 6-2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Marcous, Garfinkel and Disclosed Prior Art by incorporating the ability to connect via a personal computer to the host computer to receive and/or send a confirmation code, as disclosed by Garfinkel, allowing the recipient to exchange and/or replace the identifier for access to the electronic funds prior to actual dispensing of the funds.

Furthermore, communicating information through a personal computer, a telephone and through a telephone operator is old and well known in the art of communication and information transmission. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Marcous, Garfinkel and Disclosed Prior Art to transmit the information through any means of communication that the inventor desired. *In re Kuhle, 526 F.2d 553, 555, 188 USPQ 7, 9 (CCPA 1975).*

Regarding Claim 10, Claim 10 recites similar limitations to Claim 1 and is therefore rejected using the same art and rationale as applied in the rejection of Claim 1. Claim 10 differs from Claim 1 through the issuance and use of an identification code, an identifier, in place or in addition to the confirmation code, an identifier.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Garfinkel, Marcous and Disclosed Prior Art to have utilized any identifier that the inventors desired. *In re Kuhle, 526 F.2d 553, 555, 188 USPQ 7, 9 (CCPA 1975).*

Multiple-factor authentication is old and well known in the art of security and encryption, as evidenced by Garfinkel (see pp. 128 – 129) and Marcous (see col. 8, lines 58 – 67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Marcous, Garfinkel and Disclosed Prior Art by incorporating the ability to utilize multiple-factor authentication, as disclosed by Marcous and Garfinkel, to provide additional layers of security and encryption to the electronic funds transfer.

Regarding Claims 11 - 14, Claims 11 - 14 recite similar limitations to Claims 10 and 2 – 5, in combination, and are therefore rejected using the same art and rationale as applied in the rejections of Claims 10 and 2 – 5, in combination.

Regarding Claim 15, Claim 15 recites similar limitations to Claim 10 and is therefore rejected using the same art and rationale as applied in the rejection of Claim 10.

Regarding Claims 16 - 19, Claims 16 - 19 recite similar limitations to Claims 10 and 2 – 5, in combination, and are therefore rejected using the same art and rationale as applied in the rejections of Claims 10 and 2 – 5, in combination.

Regarding Claim 20, Claim 20 recites similar limitations to Claims 1, 6, 10 and 15, in combination, and are therefore rejected using the same art and rationale as applied in the rejections of Claims 1, 6, 10 and 15, in combination.

Regarding Claims 21 – 22, Marcous discloses a method further comprising:

- wherein the transaction identifying information includes a first code ("security information" such as "the sender's phone number") provided to the sender to the recipient. (see col. 4, lines 16 – 22); and
- receiving at the host computer an identification code ("security information" such as a "system-generate PIN") provided by the recipient. (see col. 8, lines 58 – 68).

Marcous does not teach underlined limitations - a method further comprising:

- receiving at the host computer system an identification code provided by the recipient, and generating the confirmation code by the host computer system based on the identification code, wherein the identification code is different than the first code.

Changing passwords, codes and /or identifiers through which to access systems, such as electronic funds, and the use of multiple passwords, codes and/or identifiers to access systems, such as electronic funds, is old and well known in the art of security technology and cryptography, as evidenced by Garfinkel (pp. 125 – 129). Furthermore, generating new passwords, codes and/or identifiers to replace or work with old passwords, codes and/or identifiers through which to access such systems is old and well known in the art of security technology and cryptography as evidenced by Garfinkel (pp. 125 – 129). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Marcous, Garfinkel and Disclosed Prior Art by incorporating the ability to exchange and/or change passwords, codes and/or identifiers through which to access the system, as disclosed by Garfinkel, providing additional security and encryption for the electronic funds.

Regarding Claims 23 – 27, Marcous discloses a method:

- further comprising loading payout funds ("principal monies") corresponding to at least a portion of the desired amount of money in a payout account ("holding account") maintained on the host

computer system ("pseudo-terminal"), and allowing the payout account to go negative (in excess of "principal monies") by an amount to cover a transaction fee ("convenience fee") associated with use of the dispensing terminal ("pieces of the system responsible for carrying out the overall transfer transaction"). (see col. 6, line 64 – col. 7, line 4);

- receiving at the host computer system ("pseudo-terminal") a debit request from the dispensing terminal. (see col. 9, lines 1 – 4);
- loading ("crediting") an additional amount ("convenience fee") in the payout account ("holding account") to cover the transaction fee ("convenience fee"). (see col. 6, line 67 – col. 7, line 7);
- wherein the allowing step ("authorization approval") includes allowing funds, corresponding to a first portion of the desired amount of money, to be dispensed by the dispensing terminal if the input matches the confirmation code ("information...listed in suspended journal file") stored on the host computer system ("pseudo-terminal") (see col. 9, lines 40 – 57);
- and wherein dispensing terminals have dispensing limits. (see col. 9, line 58 – col. 10, line 6).

Marcous does not teach underlined limitations - a method:

- further comprising loading payout funds corresponding to at least a portion of the desired amount of money in a payout account maintained on the host computer system, receiving at the host

computer system a debit request from the dispensing terminal, automatically determining by the host computer system a transaction fee associated with use of the dispensing terminal in response to receiving the debit request, and then loading an additional amount in the payout account to cover the transaction fee;

- wherein the step of automatically determining the transaction fee includes assuming an even, whole dollar first portion of the debit request corresponds to a desired withdrawal amount for the recipient, and attributing a second portion of the debit request to the transaction fee;
- wherein the allowing step includes allowing funds, corresponding to a first portion of the desired amount of money, to be dispensed by the dispensing terminal if the input matches the confirmation code stored on the host computer system, and wherein the method further comprises receiving at the host computer system additional input corresponding to the confirmation code from an additional dispensing terminal in communication with the host computer system, comparing the additional input to the confirmation code stored on the host computer system, and allowing additional funds, corresponding to a second portion of the desired amount of money, to be dispensed by the additional dispensing terminal if the

additional input matches the confirmation code stored on the host computer system.

Disclosed Prior Art discloses:

- wherein the allowing (authorization) step includes allowing (authorizing) funds, corresponding to a first portion of the desired amount of money, to be dispensed by the dispensing agent if the confirmation code (unique key) matches the confirmation code (unique keyt) stored on the host computer system (database). (see p. 2, lines 21 – 26); and
- wherein the method further comprises allowing additional funds ("additional checks"), corresponding to a second portion of the desired amount of money (funds in excess of payout limit), to be dispensed ("encashment") by the additional dispensing location ("elsewhere"). (see p. 3, lines 5 – 10).

Neither Marcous, Garfinkel nor Disclosed Prior Art teach that the determination of the transaction fee is automatic. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have automated the method, since it has been held that broadly providing a mechanical or automatic means to replace manual activity that accomplishes the same result involves only routine skill in the art. *In re Venner*, 120 USPQ 192.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Marcous, Garfinkel and Disclosed Prior Art to determine the transaction fee in response to receiving a debit request, as no

dispensing terminal transaction fee would be incurred until the debit request was entered into the dispensing terminal.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Marcous, Garfinkel and Disclosed Prior Art to allow for any assumptions regarding which portion of the debit request/payout account is allocated for the transferred funds and/or transaction fee that the inventor desired. *In re Kuhle, 526 F.2d 553, 555, 188 USPQ 7, 9 (CCPA 1975).*

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Marcous, Garfinkel and Disclosed Prior Art to allow for multiple iterations of the above process, by allowing the recipient to retrieve a second portion of the transferred funds at a second location at a second time, undergoing the same security procedure utilized initially, as both Marcous and Disclosed Prior Art acknowledge dispensing limits on the dispensing of transferred funds.

Furthermore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to allow for multiple iterations of the process, since it has been held that mere duplication of the essential working parts of a device, without more, involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co, 193 USQ 8 (CA 7); In re Harza, 124 USPQ 378 (CCPA 1960).*

Regarding Claim 28, Claim 28 recites similar limitations to Claims 1, 6, 7, 10, 14, 15, 18 and 20, in combination, and is therefore rejected using the same art and rationale as applied in the rejection of Claims 1, 6, 7, 10, 14, 15, 18 and

20,. Claim 28 differs from Claims 1, 6, 7, 10, 14, 15, 18 and 20, due to its Claim to:

- receiving at the host computer system an identification code from an electronic terminal that is different from the dispensing terminal, the identification code being an anatomical image of the recipient.

Marcous discloses a method further comprising:

- storing the an identification code (identifier, such as "encrypted security code") on the host computer system ("pseudo-terminal"). (see col. 7, lines 24 – 32).

Marcous does not teach the underlined limitation - a method further comprising:

- receiving at the host computer system an identification code from an electronic terminal that is different from the dispensing terminal, the identification code being an anatomical image of the recipient.

Changing passwords, codes and /or identifiers through which to access systems, such as electronic funds, and the use of multiple passwords, codes and/or identifiers to access systems, such as electronic funds, is old and well known in the art of security technology and cryptography, as evidenced by Garfinkel (pp. 125 – 129). Furthermore, generating new passwords, codes and/or identifiers to replace or work with old passwords, codes and/or identifiers through which to access such systems is old and well known in the art of security technology and cryptography as evidenced by Garfinkel (pp. 125 – 129). It would have been obvious to one of ordinary skill in the art at the time the invention was

made to have modified Marcous, Garfinkel and Disclosed Prior Art by incorporating the ability to exchange and/or change passwords, codes and/or identifiers through which to access the system, as disclosed by Garfinkel, providing additional security and encryption for the electronic funds.

Utilization of a biometric and/or anatomical image for security identification purposes is old and well known in the art of security and cryptography, as evidenced by Garfinkel (see pp. 128 – 129). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Marcous, Garfinkel and Disclosed Prior Art to utilize an anatomical image, as disclosed by Garfinkel, as the identification code, as biometrics are recognized as a conventional and useful security protocol.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Marcous, Garfinkel and Disclosed Prior Art by incorporating the ability to connect via a personal computer to the host computer to receive and/or send a code, as disclosed by Garfinkel, allowing the recipient to exchange and/or replace the identifier for access to the electronic funds prior to actual dispensing of the funds.

Regarding Claims 30 – 38, Marcous discloses a method:

- wherein the dispensing terminal is an unattended automated teller machine. (see 230, figure 2);
- wherein the transaction data further includes a first code (identifier, such as a "the amount of money transferred" or "the sender's phone number") provided by the sender to the recipient, the first

code being different than the confirmation code (identifier, such as "system-generated PIN"), and wherein the transaction identifying information includes the first code. (see col. 4, lines 16 – 29); and

- wherein the allowing/authorizing step ("authorization approval") comprises allowing/authorizing ("been approved and directing") the funds to be dispensed by the dispensing terminal ("ATM") to the recipient. (see col. 9, lines 40 – 57).

Marcous does not teach a method:

- wherein the confirmation code/identification number is not provided by the sender; and
- wherein the receive-transaction initiating terminal is different than the dispensing terminal.

Garfinkel discloses a method wherein:

- wherein the confirmation code (identifier, such as a "password) is not provided by the sender (sent via "email" from server). (see pp. 125 – 126, including fig. 6-2); and
- wherein the terminal ("computer") is not a dispensing device. (see p. 125, including fig. 6-2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Marcous, Garfinkel and Disclosed Prior Art by incorporating the ability to transmit an identifier, such as a system-generated PIN, as disclosed by Marcous, rather than through the sender, such as a

password sent via email from a server, as disclosed by Garfinkel, providing an additional layer of security and protection for the fund transfer.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Marcous, Garfinkel and Disclosed Prior Art by incorporating the ability to input and/or receive codes and/or identifiers via a terminal, as disclosed by Garfinkel, that is not a dispensing device, allowing the recipient to exchange and/or replace the identifier for access to the electronic funds prior to actual dispensing of the funds.

Response to Arguments

Applicant's arguments with respect to pending claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Borlinghaus whose telephone number is (571) 272-6924. The examiner can normally be reached on 8:30am-5:00pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung Sough can be reached on (571) 272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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